



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of)	
VESELOV et al.)	Examiner: Unassigned
Application No. 10/798,981)	Art Unit: 2153
Filed: March 11, 2004)	Docket No. SUNMP176
For: <u>PROVISIONING TO CDC DEVICES</u>)	Date: August 27, 2004

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on August 27, 2004.

Signed: _____

Melinda M. Ward

PETITION UNDER 37 C.F.R. § 1.47(a) TO APPLY ON BEHALF OF OMITTED INVENTOR

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant, Pavel S. Veselov, hereby petitions under 37 C.F.R. §1.47(a) to make the above-identified application on behalf of himself. As will be explained below, Dianna L. Decristo has refused to join in the above-identified application. Applicant is submitting herewith the petition fee of \$130.00 set forth in 37 C.F.R. §1.17(h).

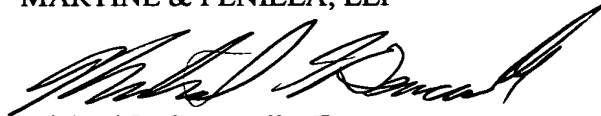
This petition is being submitted in response to the Notice to File Missing Parts of Nonprovisional Application mailed on May 28, 2004. As set forth in detail in the attached "Declaration of Facts in Support of Applying on Behalf of an Omitted Inventor" ("the Declaration"), Dianna L. Decristo cannot be located. In compliance with 37 C.F.R. § 1.47(a), the last known address of Ms. Decristo is set forth in the Declaration. This address also appears on the Declaration and Power of Attorney document that accompanied the above-identified application, which was filed on March 11, 2004.

09/01/2004 RHEBRAHT 00000094 10798981
03 FC:1460 130.00 DA

In view of the foregoing, Applicant submits that this petition complies with the requirements of 37 C.F.R. § 1.47(a) and therefore should be granted. Accordingly, a decision allowing Pavel S. Veselov to make the above-identified application on behalf of himself is respectfully requested.

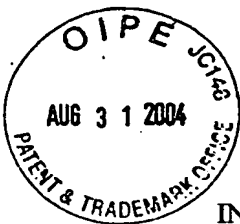
If any additional fees are due in connection with the filing of this petition, then the Commissioner is authorized to charge such fees to our Deposit Account No. 50-0805 (Order No. SUNMP176).

Respectfully submitted,
MARTINE & PENILLA, LLP

A handwritten signature in black ink, appearing to read "Michael L. Gencarella", is written over the printed name.

Michael L. Gencarella, Esq.
Reg. No. 44,703

710 Lakeway Drive, Suite 170
Sunnyvale, CA 94085
Telephone: (408) 749-6900
Customer No. 32291



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Application No. 10/798,981)	Art Unit: 2153
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Signed: _____

Melinda M. Ward

**DECLARATION OF FACTS IN SUPPORT OF APPLYING ON BEHALF OF
OMITTED INVENTOR**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This declaration is made as to the facts that are relied upon to establish the diligent effort made to secure the execution of the Declaration and Power of Attorney by Dianna L. Decristo for the above-identified patent application. This declaration is being made by a person having first-hand knowledge of the facts recited therein:

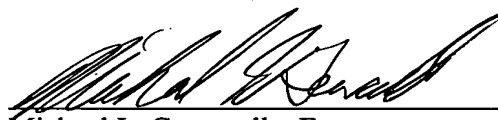
I, Michael L. Gencarella, do hereby declare:

1. I am an attorney of record in the above-identified application.
2. On June 15, 2004, a transmittal letter dated June 14, 2004 (Exhibit A), and a Declaration and Power of Attorney (Exhibit B) was forwarded to Ms. Decristo via Federal Express. As evidenced by the Federal Express Tracking Results printout (Exhibit C), the envelope was delivered to the last known address of Ms. Decristo on June 16, 2004. A return

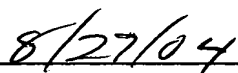
Federal Express envelope was provided for Ms. Decristo's use in returning the executed Declaration and Power of Attorney.

3. On July 13, 2004, a letter was sent to Ms. Decristo (Exhibit D) via Certified, Return Receipt mail to her home address. In this letter, I again requested that Ms. Decristo sign the Declaration and Power of Attorney for the subject application, and forwarded to her a copy of our June 14, 2004 correspondence, an additional Declaration and Power of Attorney and return self-addressed stamped envelope. An attempted delivery was made to Ms. Decristo on July 15, 2004. A notice was left indicating that if the item was unclaimed it would be returned to the sender (Exhibit E). Ms. Decristo did not sign for the letter, and the letter was returned unclaimed to the law office of Martine & Penilla, LLP as is evidenced by the United States Postal Service on the front of the envelope (see Exhibit F). As mentioned above, the last known address for Ms. Decristo is 710 4th Avenue, #6 Venice, California 90291. As of August 27, 2004, Ms. Decristo has not returned the signed Declaration and Power of Attorney that was delivered to her via Federal Express on June 16, 2004.

4. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



Michael L. Gencarella, Esq.
Reg. No. 44, 703



Date

Exhibits A-F: Attached



**Intellectual
Property
Counsel**

710 Lakeway Drive, Suite 170
Sunnyvale, California 94085

PHONE: 408-749-6900
FAX: 408-749-6901

www.mpiplaw.com

June 14, 2004

Writer's Direct Dial:
(408) 749-6900, ext. 6921
email: mike@mpiplaw.com
Via Federal Express

Ms. Dianna L. Decristo
710 4th Avenue #6
Venice, CA 90291

Re: Patent Application Entitled: **PROVISIONING TO CDC DEVICES**
Inventor: Veselov et al.
Application Number: 10/798,981
Filing Date: March 11, 2004
Sun File Reference: P9011/EL
Our File Reference: SUNMP176

Dear Dianna:

We are in receipt of the Notice to File Missing Parts from the U.S. Patent and Trademark Office. One of the missing documents is a Declaration and Power of Attorney signed by you.

Enclosed please find the Declaration and Power of Attorney. Please sign where indicated, and return to us in the enclosed Federal Express envelope. The return airbill has been prepared for your convenience.

If you have any questions or need additional information, then please give me a call.

Very truly yours,
MARTINE & PENILLA, LLP

Michael L. Gencarella, Esq.

MLG:mmw
Enclosures

EXHIBIT A



DECLARATION AND POWER OF ATTORNEY FOR ORIGINAL U.S. PATENT APPLICATION

Attorney's Docket No. SUNMP176 / P9011/EL

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: PROVISIONING TO CDC DEVICES, the specification of which,

(check one)

1. ☐ is attached hereto.
2. ☒ was filed on March 11, 2004 as
U.S. Application Serial No. 10/798,981
and was amended on _____.
3. ☐ was filed on _____ as
International PCT Application Serial No. _____
and was amended on _____.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under Title 35, United States code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

(Appl. No.)

(Country)

(Filing Date)

Priority Benefits Claimed?

☐ Yes ☐ No

(Appl. No.)

(Country)

(Filing Date)

☐ Yes ☐ No

(Appl. No.)

(Country)

(Filing Date)

☐ Yes ☐ No

And I hereby appoint the law firm of Martine & Penilla, L.L.P., including Peter B. Martine (Reg. No. 32,043), Albert S. Penilla (Reg. No. 39,487), Chester E. Martine, Jr. (Reg. No. 19,711), Rick von Wohld (Reg. No. 48,018), Michael L. Gencarella (Reg. No. 44,703), George Brian Leavell (Reg. No. 45,436), Fariba Yadegar-Bandari (Reg. No. 53,805), Kenneth D. Wright (Reg. No. 53,795), Michael K. Hsu (Reg. No. 46,782), and F. Roman Cabrasawan (Reg. No. 51,521) as my principal attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

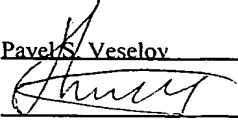
Send Correspondence To:

Michael L. Gencarella, Esq.
MARTINE & PENILLA, LLP
710 Lakeway Drive, Suite 170
Sunnyvale, CA 94085
Customer No. 32291

Direct Telephone Calls To:

Michael L. Gencarella at telephone number (408) 749-6900 Ext. 6921

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Typewritten Full Name of
Sole or First Inventor: Pavel S. Veselov Citizenship: Russia
Inventor's signature:  Date of Signature: 03/02/04
Residence: (City) San Jose (State/Country) California
Post Office Address: 4300 The Woods Drive, #2102, San Jose, CA 95136

Full Name of Second Joint
Inventor (if any): Dianna L. Decristo Citizenship: U.S.A.
Inventor's signature: _____ Date of Signature: _____
Residence: (City) Venice (State/Country) California
Post Office Address: 7104th Avenue #6, Venice, CA 90291

Track Shipments
Detailed Results[? Quick Help](#)

Tracking number	792663066266	Reference number	SUNMP176
Signed for by	7327276	Delivered to	Recipient
Ship date	Jun 15, 2004	Delivery location	VENICE CA
Delivery date/time	Jun 16, 2004 11:11 am	Service type	Standard Pak

Date/time	Status	Location	Comments
Jun 16, 2004	11:11 am Delivered	VENICE CA	No signature required - release waiver on file
	11:11 am Delivered	VENICE CA	No signature required - release waiver on file
	7:40 am On FedEx vehicle for delivery	MARINA DEL REY CA	
	6:58 am Arrived at FedEx Destination Location	MARINA DEL REY CA	
	6:58 am Arrived at FedEx Destination Location	MARINA DEL REY CA	
	3:55 am Left FedEx Sort Facility	OAKLAND CA	
	3:42 am Arrived at Sort Facility	LOS ANGELES CA	
	1:59 am Arrived at Sort Facility	OAKLAND CA	
Jun 15, 2004	6:11 pm Left FedEx Origin Location	SUNNYVALE CA	
	5:07 pm Picked up by FedEx	SUNNYVALE CA	

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City, State, ZIP+4	
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July 13, 2004

Writer's Direct Dial:
(408) 749-6900, ext. 6921
email: mike@mpiplaw.com

***Certified
Return Receipt Requested***

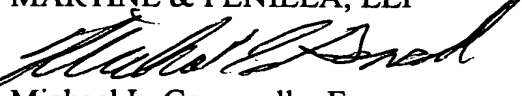
Ms. Dianna L. Decristo
710 4th Avenue #6
Venice, CA 90291

Re: Patent Application Entitled: **PROVISIONING TO CDC DEVICES**
Inventor: Veselov et al.
Application Number: 10/798,981
Filing Date: March 11, 2004
Sun File Reference: P9011/EL
Our File Reference: SUNMP176

Dear Dianna:

On June 14, 2004 we forwarded to you a Declaration and Power of Attorney for your signature so that we may respond to the USPTO's Notice to File Missing Parts by their due date of **June 28, 2004**. As yet, we have not received the signed Declaration from you.

For your convenience, we are enclosing a copy of our June 14, 2004 correspondence and the Declaration and Power of Attorney. Please sign where indicated, and return it to this office in the enclosed self-addressed, stamped envelope by July 21, 2004. If you have any questions or need additional information, then please give me a call.

Very truly yours,
MARTINE & PENILLA, LLP

Michael L. Gencarella, Esq.

MLG:mmw
Enclosures



Track & Confirm

Current Status

You entered 7002 2410 0001 2154 2643

We attempted to deliver your item at 12:53 pm on July 15, 2004 in VENICE, CA 90291 and a notice was left. It can be redelivered or picked up at the Post Office. If the item is unclaimed, it will be returned to the sender. Information, if available, is updated every evening. Please check again later.

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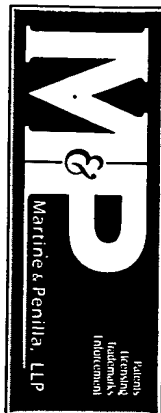
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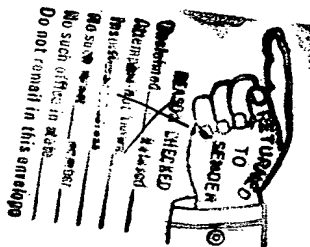


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